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AMENDMENT UNDER 37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
GROUP 1642  
PATENT APPLICATION 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Tohru TANAKA, et al.

Appln. No.: 09/445,963

Confirmation No.: Not Assigned

Group Art Unit: 1642

Filed: December 16, 1999

Examiner: N. Davis

For: AGENT FOR DIAGNOSING AND TREATING MALIGNANT TUMORS

**AMENDMENT UNDER 37 C.F.R. § 1.116**

ATTN: BOX AF  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Responsive to the outstanding rejection of August 28, 2001, once extended to December 28, 2001, by an appropriate one-month petition for extension of time and fee submitted herewith, please amend the above application as follows:

**IN THE CLAIMS:**

~~Please cancel claims 5 and 6 without prejudice or disclaimer.~~

**Please enter the following amended claims:**

7. (Amended) A composition comprising a compound or derivative thereof in which at least one carbon atom of 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of the compound, and a diagnostically acceptable carrier.